

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

FILED
IN CLERK'S OFFICE
2005 APR 26 A 7:57
U.S. DISTRICT COURT
DISTRICT OF MASS.

CRAIG DAVIS, as parent and natural
guardian of ANDREW DAVIS,

Plaintiff,

-against-

CATAMOUNT DEVELOPMENT CORP.,
CATAMOUNT DEVELOPMENT CORP.,
d/b/a CATAMOUNT SKI AREA,

Defendants.

JOINT STATEMENT: SCHEDULING CONFERENCE - APRIL 27, 2005

The parties hereto have conferred for the purpose of considering various matters relating to discovery and submit the following statement.

AGENDA

- A. Settlement Proposal - Plaintiff's Request to delay pending results of recent surgery
- B. Plan for discovery - Scheduling
- C. Alternative dispute resolution - Mediation
- A. **Settlement Proposal**

Plaintiff is scheduled for surgery on Monday April 25, 2005 for the purpose of removing 7 screws and a metal plate from his femur. At the present time Plaintiff is unable to present a well reasoned settlement proposal, since the results of the surgery and his prognosis are not yet available. Without some information regarding the level of pain during his recovery, and any lasting scarring or disability a proposal would not be based on complete information.

Therefore, Plaintiff requests that Plaintiff's obligation to submit any such proposal be delayed for 90 days from the date of the conference, to July 27, 2005. Defendant has consented to this request.

B. Discovery Plan

Due to the recent surgery described above and ongoing treatment of Plaintiff some delay is expected in obtaining expert opinions regarding his prognosis.


The parties hereby propose the following schedule for discovery and filing of dispositive motions:

1. All non-expert written discovery requests shall be served by November 30, 2005.
2. All depositions of non-expert witnesses shall be completed by December 30, 2005.
3. The plaintiff shall serve expert reports pursuant to Rule 26(a)(2) by February 15, 2006.
4. The defendant shall serve expert reports pursuant to Rule 26(a)(2) by March 30, 2006.
5. All depositions of expert witnesses shall be completed by May 15, 2006.
6. All motions pursuant to Rule 56 shall be filed by July 15, 2006.


C. Alternate Dispute Resolution

The parties are amenable to a mediation. After the parties respond to written discovery and the Defendant has evaluated medical records the parties may be in position to mediate or engage in meaningful settlement discussions.

Respectfully submitted,



Charles J. Ferris
Attorney for Plaintiff
500 Main Street
Great Barrington, MA 01230
413 528-8900
413-528-9132 facsimile
BBO # 565630

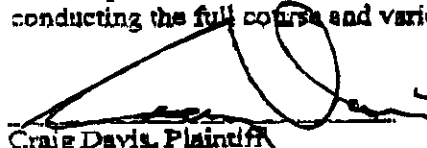


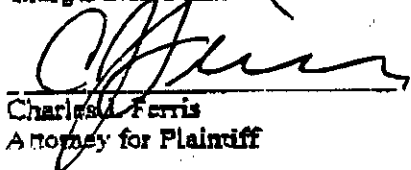
William L. Keville, Jr. BBO#546525
Margaret M. Carleen BBO#655141
Attorneys for Defendant
Melick, Porter & Shea
28 State Street
Boston, MA 02109-1775
617 523-6200
617-523-8130 facsimile

04/22/2005 10:12 #260 P.002/002

Certification

The undersigned parties and counsel for the respective parties hereby certify that each party and their respective counsel have conferred with a view to establishing a budget for the costs of conducting the full course and various alternative courses of this litigation.


Craig Davis, Plaintiff


Charles L. Ferris
Attorney for Plaintiff

Catamount Dev. Corp.
Defendant

By: [to be supplied by Defendant at closing]

[to be supplied by Defendant at closing]

William L. Keville, Jr.
Margaret M. Carleen
Attorneys for Defendant